

OFFICIAL

AUG 10 2004

Attorney Docket: DX0644KBK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:

Rene de Waal MALEFYT, et al.

Application Number.: 10/083,720

Filed: February 28, 2002

For: AK155 ANTIBODIES AND
BIONDING FRAGMENTS THEREOF

Examiner: Prema Maria MERTZ

Art Unit: 1646

Conf. No.: 1971

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Fax Number 1-703-872-9306, Attention: Mail Stop: Patent Extension, on August 10, 2004

MAIL STOP: Patent Extension
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

by:


MELANIE LYONS

APPLICATION UNDER 37 C.F.R. 1.705 FOR CORRECTION
OF PATENT TERM ADJUSTMENT

Sir:

1. Applicants hereby submit this application to correct the patent term adjustment of 283 days as calculated by the USPTO in the Notice of Allowance dated May 11, 2004, for the above application, to 322 days.

2. Accompanying this application is a fee of \$200.00, as required under 37 C.F.R. 1.18(e)

3. Applicants submit that the above application is entitled to a 322 day patent term extension for the following reasons:

a) Under 35 U.S.C. 154(b)(1)(A)(i), the USPTO must mail a notification under 35 U.S.C. 132 no later than 14 months after the date on which the application was filed under 35 U.S.C. 111(a);

b) The present application was filed on February 28, 2002, thus the first Office Action should have been mailed by April 28, 2003;

c) The first Office Action, a Restriction Requirement, was in fact mailed on March 18, 2004, 325 days after the 14 month date.

USSN 10/083,720

1

DX0644KBK

d) Under 37 C.F.R. 1.705(iv)(A), Applicants believe that the 325 day adjustment is reduced by 3 days as Applicants responded to a Notice File Missing Parts, dated April 8, 2002, on July 11, 2002. Therefore the 325 day adjustment is reduced to 322 days.

4. The above patent application is not subject to any terminal disclaimer.

5. A copy of the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) accompanies this application.

Applicants believe the above statements to be true and correct.

Please charge the fee of \$130.00 to DNAX Deposit Account No. 04-1239. Please charge any additional fees or credit overpayment to DNAX Deposit Account No. 04-1239.

Respectfully submitted,

Date: Aug. 10, 2004

By: Sheela Mohan-Peterson
Sheela Mohan-Peterson, Reg. No. 41,201
Attorney for Applicants

Customer No. 028008
DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Telephone (Switchboard): (650) 496-6400
Telephone No. (Direct): (650) 496-1244
Facsimile No.: (650) 496-1200



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)
PATENT APPLICATION INFORMATION RETRIEVAL

Patent Term Adjustment (PTA) for publication number: 10/083,720			
			Days
Filing or 371(c) Date:	02-28-2002	USPTO Delay (PTO):	325
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	42
Post-Issue Petitions (days):	+0	Total PTA:	283
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Assignments
Continuity Data
Display References
Image File Wrapper
File History
Publication Review
Published Documents

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
05-11-2004	Mail Notice of Allowance		
05-11-2004	Mail Examiner's Amendment		
05-11-2004	Issue Revision Completed		
05-10-2004	Examiner's Amendment Communication		
05-10-2004	Notice of Allowance Data Verification Completed		
05-10-2004	Notice of Allowability		
04-08-2004	Date Forwarded to Examiner		
04-01-2004	Response to Election / Restriction Filed		
03-18-2004	Mail Restriction Requirement	325	
03-17-2004	Requirement for Restriction / Election	↑	
03-01-2004	IFW TSS Processing by Tech Center Complete	↑	
02-17-2004	Preliminary Amendment	↑	
10-08-2003	IFW TSS Processing by Tech Center Complete	↑	
04-10-2003	Case Docketed to Examiner In GAU	↑	
07-16-2002	Preliminary Amendment	↑	
08-20-2002	Application Dispatched from OIPE	↑	
08-19-2002	Application Is Now Complete	↑	42
07-15-2002	CRF Disk Has Been Received by Preexam / Group / PCT	↑	↑
07-15-2002	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applicant	↑	↑
07-30-2002	CRF Is Good Technically / Entered into Database		

PAIR Page

Page 2 of 2

		↑	↑
04-08-2002	Notice Mailed—Application Incomplete—Filing Date Assigned	↑	↑
03-29-2002	CRF Is Flawed Technically / Not Entered into Database	↑	
03-27-2002	IFW Scan & PACR Auto Security Review	↑	
02-28-2002	CRF Disk Has Been Received by Preexam / Group / PCT	↑	
02-28-2002	Initial Exam Team nn	↑	



Analysis Summary Report

APPLICATION INFORMATION			
Docket Number:	DX0644KBK	Analysis Generated:	06/07/2004 01:46:27 PM ET
Application Number:	10/083,720	User Name:	Blinka, Thomas
Filing Date:	02/28/2002	Firm/Company Name:	Schering-Plough Corporation
Title/Inventors:	MAMMALIAN CYTOKINE; RELATED REAGENTS; Rene de Waal Malefyt, Sunnyvale, CA (US)	Attorney/Agent Comments:	

END-TERM ANALYSIS SUMMARY	
Earliest Referenced Application Date:	09 / 23 / 1996
Filing Date (US National Application):	02 / 28 / 2002
Net Adjustment Credits:	325 Days
Net Adjustment Debits:	3 Days
Net Patent Term Adjustment:	322 Days
AIPA Patent Term End Date:	08 / 11 / 2017 (1)
(1) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 09/23/2016.	

RULE APPLICATION SUMMARY					
Event	Rule Invoked	Related Event	Excluded Days	Disin Days	Credit Days
A 02/28/2002 Filing Date under 35 USC 111(a) (US National Application)	14-Month PTO First Action PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 371 and ending on the date of mailing of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.703(a)(1).	First PTO Action: 03/18/2004 Restriction / Election-of-Species	0	0	325
B 02/28/2002 Filing Date under 35 USC 111(a) (US National Application)	3-Year PTO Issue of Patent PTO must issue a patent within 3 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionary periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b). You have elected to analyze this rule under the PTO Interpretation. Under this interpretation, the last day of the three year period is 02/28/2005. Both interpretations produce the same result.	Issue Date: 11/16/2004 Issue Date	0	0	0
C 04/08/2002 Notice to File Missing Parts (nonprovisional application)	3-Month Applicant Response to Notice or Action Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154(b)(2)(C)(ii); 37 CFR 1.704(b). Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c). You have indicated that no 1.705(c) Showing of Due Care was made.	Applicant Response: 07/11/2002 Response to Notice to File Missing Parts	0	3	0

<p>D</p> <p>03/18/2004 Restriction / Election-of-Species</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>04/01/2004 Response to Election-of-Species / Restriction Filed</p>	<p>0</p> <p>0</p> <p>0</p>
<p>E</p> <p>04/01/2004 Response to Election-of-Species / Restriction Filed</p>	<p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2), (3).</p>	<p><i>PTO Response:</i></p> <p>05/11/2004 Notice of Allowance under 35 USC 151</p>	<p>0</p> <p>0</p> <p>0</p>
<p>F</p> <p>05/11/2004 Notice of Allowance under 35 USC 151</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p>	<p><i>Applicant Response:</i></p> <p>08/11/2004 Issue Fee Payment under 35 USC 151</p>	<p>0</p> <p>0</p> <p>0</p>
<p>G</p> <p>08/11/2004 Issue Fee Payment under 35 USC 151</p>	<p>4-Month PTO Issue of Patent</p> <p>PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credits) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4), 1.703(a)(6).</p>	<p><i>Issue Date:</i></p> <p>11/16/2004 Issue Date</p>	<p>0</p> <p>0</p> <p>0</p>
<p>Total Exclusion, Debit, and Credit Days</p>			<p>0</p> <p>3</p> <p>325</p>

Overlap Days		0	0	0
Net Exclusion, Debit, and Credit Days		0	3	325
Net Patent Term Adjustment Days				322
<p>The term of this patent ends on 08/11/2017 (2)</p> <p>(2) Assumes payment of all maintenance fees and no intervening acts. Terminal disclaimer(s) filed in this case, if any, may reduce the term. Without adjustment, the term would end on 09/23/2016.</p>				